

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

LORI ANN MORRIS,

Plaintiff,

vs.

**FLORIDA TRANSFORMER, EDWARD
NEAL THOMPSON, et al.,**

Defendants.

CIVIL ACTION NO. 3:05cv962-T

AFFIDAVIT OF WILLIAM EARL TIDWELL

Before me, the undersigned authority, personally appeared William Earl Tidwell, who is known to me, and who being by me first duly sworn, deposes under oath and states as follows:

"I am William Earl Tidwell. I live at 1204 Petty Road, Westville, Florida 32460. I was 35-years-old at the time of the accident that is the subject of the above-referenced case, and was employed at the time by Florida Transformer, Inc. ("FTI"). At the time of the accident, I had approximately 7 ½ years of experience driving heavy trucks. I am familiar with the fact that the above-referenced lawsuit has been filed claiming that Edward Neal Thompson caused this unfortunate accident. I was riding in the truck with Neal at the time of the accident, and have personal knowledge as to the facts stated herein, unless otherwise noted, and all matters stated herein are true and correct to the best of my knowledge, information and belief.

We left Defuniak Springs on 9/2/04 about 1:00 a.m. Although Neal had 17 years of experience driving a truck, I was riding with him to train him on our paperwork and to show him how to deal with our customers. We were heading to make deliveries in Georgia. We traveled north up to Troy where we hit Hwy. 231, and headed north on Hwy. 231 toward Montgomery. When we reached the intersection of Hwy. 231 and Hwy. 271, we stopped at a truckstop for a bathroom break for about five minutes. Neal had a cup of coffee during that break. We then headed from there up to and onto I-85 and headed north toward Atlanta. We had

EXHIBIT C

come through a little rain that morning on Hwy. 231 but it was not raining where the accident occurred. The road might have been a little damp. It was very dark outside and we did not see the moon or stars that night. It was apparently overcast. There were no lights along the highway on the stretch where the accident occurred. All of a sudden, I saw what appeared to be the bottom of an overturned truck lying out across both lanes of traffic. Almost immediately Neal popped up the brakes, but there was nothing he could do to keep from hitting the overturned truck. He had no time to react and avoid the collision. At the time we hit the brakes, we were in the right northbound lane traveling approximately 65 to 70 mph.

As soon as our truck stopped, we both jumped out and went running south because the collision knocked our electrical system out, and we could see headlights coming toward us from the south. Fortunately, we were able to flag down the next truck behind us before he hit our trailer.

From what we could tell after the accident, the other vehicle had been down in the median and had flipped over on its side as it came back up out of the median. That is why it was lying on the driver's side across both northbound lanes of traffic and blocking both lanes. We did not see any of that, and had no idea Morris' tractor trailer was overturned on the highway as we approached.

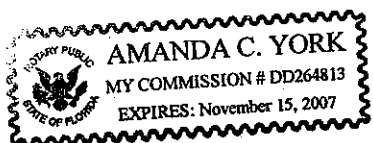
There was nothing that Neal could have done differently to have avoided this accident. He hit the brakes just as soon as we first saw in our headlights what appeared to be the bottom of the overturned vehicle, and we were unable to avoid the collision. There were no headlights, taillights, running lights, reflector lights or reflector tape visible to me as we approached the overturned vehicle. If there were any lights still working on that tractor or trailer, they were not shining in a direction that I could see, or that Neal could have seen. The bottom of that overturned tractor trailer rig was facing in our direction. We were unable to see it until our headlights hit it, and Neal hit the brakes almost immediately to try and avoid the collision. Unfortunately, there was no way to avoid the collision.

William Earl Tidwell
WILLIAM EARL TIDWELL

STATE OF Florida
COUNTY OF Walton

Sworn to and subscribed before me this the 2 day of June, 2006.

Amanda C York
Notary Public



Commission Expires: 11-15-07